

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIE JOHNSON,

Defendant.

No. 90 CR 950 and  
04 CR 503

Chicago, Illinois

December 6, 2006

11:07 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE JAMES F. HOLDERMAN

APPEARANCES:

For the Plaintiff:

HON. PATRICK J. FITZGERALD

United States Attorney

219 South Dearborn Street

Chicago, Illinois 60604

(312) 469-6212

BY: MR. AMARJEET S. BHACHU

MR. MATTHEW M. SCHNEIDER

For the Defendant:

MR. CHARLES J. ARON

19 West Jackson Boulevard

Suite 212

Chicago, Illinois 60604

(312) 986-8012

U.S. Probation:

Mr. Torrance Wilkins

Also Present:

Mrs. Johnson, defendant's wife,  
and Ms. Woods, defendant's  
daughter

COLLEEN M. CONWAY, CSR, CRR  
Official Court Reporter  
219 South Dearborn Street, Room 2524-A  
Chicago, Illinois 60604  
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EXHIBIT

1 (Proceedings in open court.)

2 THE CLERK: 04 CR 503, U.S.A. versus Willie  
3 Johnson, for status.

4 MR. BHACHU: Good morning, Your Honor.  
5 Amar Bhachu on behalf of the United States.

6 MR. ARON: Good morning, Your Honor.

7 MR. SCHNEIDER: Good morning, Judge.  
8 Matthew Schneider on behalf of the United States.

9 MR. WILKINS: Good morning, Your Honor.  
10 Torrance Wilkins, U.S. Probation.

11 (Defendant in.)

12 MR. ARON: Good morning, Your Honor.  
13 Charles Aron, A-r-o-n, on behalf of Willie Johnson.  
14 Mr. Johnson is approaching the bench.

15 THE COURT: Good morning.

16 Good morning, Mr. Johnson.

17 THE DEFENDANT: Good morning, sir.

18 THE COURT: What is the status?

19 MR. BHACHU: Judge, the last time we were here, we  
20 had talked to Your Honor about us potentially resolving this  
21 case consensually between the parties.

22 I believe we do have a consensual resolution of  
23 this case, and the resolution is as follows, Judge.

24 The government will be dismissing with prejudice  
25 the indictment in case 04 CR 503.

1 And my understanding is that the defendant will be  
2 admitting to a violation of supervised release in case 90 CR  
3 950, and the parties will then argue for the appropriate term  
4 with respect to the violation of supervised release.

5 THE COURT: All right.

6 MR. BHACHU: So in light of that, Judge -- I'm  
7 sorry.

8 THE COURT: All right. Let me just speak with my  
9 clerk for a moment.

10 (Court conferring with his clerk.)

11 THE COURT: All right. Is the defendant in  
12 agreement with regard to criminal case number 04 CR 503 with  
13 the government's motion?

14 MR. ARON: With the indictment being dismissed with  
15 prejudice, we have no objection.

16 THE COURT: All right. The indictment in that case  
17 will be dismissed with prejudice.

18 And by that, the government is agreeing that double  
19 jeopardy would attach and Mr. Johnson cannot be prosecuted  
20 for that violation in the future?

21 MR. BHACHU: That's correct, Judge.

22 THE COURT: Okay. All right. Now, with regard to  
23 the violation of supervised release, in the case that I have  
24 been serving as the presiding judge on since its inception,  
25 90 CR 950, there are certain violations of supervised release

1 that have been stated in the special report.

2 What is the defendant's position with regard to  
3 those violations?

4 MR. ARON: Judge, in that the burden of proof in  
5 the violation of supervised release is by a preponderance of  
6 the evidence as well as certain Fourth Amendment protections  
7 don't necessarily apply, the defendant, Willie Johnson, will  
8 be entering admission to violation number 1 in that there was  
9 a gun found in his home, and he will be guilty based on  
10 constructive possession.

11 THE COURT: All right. Mr. Johnson, is that your  
12 position, that you did commit the violation number 1 set  
13 forth in the supervised release special report --

14 THE DEFENDANT: Yes, sir.

15 THE COURT: -- in that you did have constructive  
16 possession of a firearm in violation of your supervised  
17 release?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. Having obtained admission  
20 from the defendant, I find that Mr. Johnson is in violation  
21 of his supervised release, and his supervised release is  
22 revoked.

23 At this point, we then turn to the next phase,  
24 which is to determine the appropriate sentence upon the  
25 revocation of Mr. Johnson's supervised release.

1 MR. ARON: Judge, we would be willing to waive a  
2 Presentence Report in this case.

3 THE COURT: All right. Does the government desire  
4 a Presentence Report?

5 MR. BHACHU: No, Judge.

6 THE COURT: All right. I believe that a further  
7 Presentence Report would not assist the Court, and so a  
8 Presentence Report will be waived by everyone.

9 Mr. Wilkins, you don't have to do any further work  
10 with regard to preparing a further Presentence Report.

11 MR. WILKINS: I appreciate that.

12 THE COURT: Now I will turn to the sentencing  
13 phase, first hear from defense counsel, then from the  
14 government, and then from Mr. Johnson himself.

15 MR. ARON: Judge, if I might, may Mr. Johnson  
16 proceed first?

17 THE COURT: I am -- sure.

18 MR. ARON: Also, Your Honor, so that you know, Mr.  
19 Johnson's wife, daughter, sister, and granddaughter are all  
20 present in court today.

21 THE COURT: All right. Before you speak, Mr.  
22 Johnson, and I do appreciate your stepping over to the  
23 podium, I need to confer with my clerk.

24 (Court conferring with his clerk and law clerk.)

25 THE COURT: All right. Mr. Johnson, my standard

1 procedure is to do what I had just said, which is to first  
2 hear from defense counsel, then from the government, and I  
3 always give the defendant the last word.

4 Your attorney has requested that you be allowed to  
5 speak with me first. I am going to allow that, but I am also  
6 going to allow you the last word, too. So if the lawyers say  
7 anything further that you want to comment on after they make  
8 their remarks, you will have that opportunity as well.

9 You may proceed with your remarks at this time.

10 THE DEFENDANT: To the Honorable Judge Holderman,  
11 first let me start by -- let me start by saying "thank you"  
12 for helping me to find myself. What I mean is I was in your  
13 courtroom 15 years ago, and at the time -- and at that time,  
14 I was a confused drug user who didn't care about myself,  
15 didn't care about life, how life turned out in the end.

16 You let me read something in your courtroom, and  
17 after that, I was sentenced to 15 years. It wasn't what I  
18 wanted, but it was just what I needed, for sure, to find  
19 myself and get myself -- and to get life in some kind of  
20 order.

21 I went down not knowing what the outcome was going  
22 to be, when I was going to be -- what I was going to be --  
23 what it was going to be like all the other time -- what was  
24 it going to be like all the other times I went -- I went or  
25 was it going -- or was there going to be a change and stop

1 just going in and out, in and out the front door and out the  
2 back door with nothing in between.

3 I think not, because I know something, because I  
4 know, because I know nothing -- if I know nothing else, I  
5 know I wanted to change and not bring that same person back  
6 to the free world, free world that I left.

7 It took about five years to get it together and  
8 find some direction about what it was I wanted to do with my  
9 life. Seeing how I caused pain and hurt to other people,  
10 other people lives while I was in my addiction, it was time,  
11 it was time for me to try to give something back, so I went  
12 to the Gateway Drug Treatment Program, not knowing what the  
13 outcome was going to be, but seeing how I had never been in  
14 treatment in all my years of using.

15 But after being there for two-and-a-half,  
16 two-and-a-half months, I knew I was where I needed to be. I  
17 had found my calling.

18 They have a saying in the program: You have to get  
19 in where you fit in. I started by helping younger guys in  
20 the program, by telling them about my life and how it could  
21 be for them if something didn't change in their lives.

22 I never thought I could feel so good, feel so good  
23 to reach out to someone and help someone else, to be able to  
24 watch young men who didn't understand themselves and what  
25 they were doing with their -- what they were doing to their

1 loved ones by coming in and out of the system and not knowing  
2 and understanding why.

3 That's when I found out what it was that I wanted  
4 to do, so I started asking questions about what it would take  
5 me for me to be a counselor. I knew I would have to go back  
6 to school and get a GED, get a GED, and I did. I even went  
7 back, I even went back to high school and got a high school  
8 diploma.

9 I also enrolled in college and took some college  
10 courses for counseling in hopes that I might find a job in  
11 counseling once I got out.

12 I was in contact with some people on the outside  
13 who told me they would try to help me once I was out, and in  
14 about a month after being out, they helped me land a job  
15 counseling. I have grown to become a job counselor,  
16 something I have grown to love.

17 At the time of my arrest, I was in -- at the time  
18 of my arrest, I was enrolled at Malcolm X studying for an  
19 Associate's degree as well as my certification for  
20 counseling.

21 All I'm asking is that you give me a chance to go  
22 back to that, to that -- to go back to that, what makes --  
23 all I'm asking is for you to give me a chance to go back to  
24 that, if you made it possible to me. I promise you, you  
25 won't be sorry. Give me a chance.



1 THE COURT: Mr. Johnson, when I sentenced you in  
2 1991, I sentenced you well above the sentencing guideline  
3 range. The sentencing guideline range at that time -- at  
4 that time, it was actually mandatory, and I departed from  
5 that range. The guideline range was 27 to 33 months.

6 The reason I had to sentence you to 15 years was  
7 there was this minimum mandatory sentence of 15 years. And  
8 so I did impose a sentence of 15 years, and I told you at the  
9 time that there will come a time when you will have completed  
10 that sentence and you will be placed on supervised release  
11 for a term of five years.

12 That time did come, and you were placed on  
13 supervised release for five years, and I put in certain  
14 conditions, one of which was do not possess a firearm.

15 All right. I am going to now hear from government  
16 counsel and then from defense counsel and then anything  
17 further that Mr. Johnson desires to say.

18 MR. BHACHU: Your Honor, picking up where you left  
19 off with respect to the last time Mr. Johnson was before you,  
20 I had an opportunity to just take a look at the transcript of  
21 the proceedings that day. It was back in 1990. You were --  
22 1991. You were a seasoned judge then, and I was still in  
23 college.

24 But what was interesting, Judge, from looking at  
25 that was that Mr. Johnson gave a similar presentation as he

1 has done today. He told you that his whole life had been  
2 spent doing all the wrong things for the wrong reasons, and  
3 he said that he was sorry for what he did. And if he had a  
4 chance to do it all over again, it would be different. "So  
5 all I can do now is the time I'm about to get and show myself  
6 and the rest of society that it's never too late for change."

7 Well, Judge, he gets out, and again, you know, he  
8 violates the terms of his supervised release. There's a gun  
9 in the house.

10 THE COURT: Yes. When was it that -- what was the  
11 date of Mr. Johnson's --

12 MR. BHACHU: Judge, that's July 19th, 1991. I can  
13 tender to --

14 THE COURT: Well, that was the date of the  
15 sentencing. What was the date of Mr. Johnson's release?

16 What was your out date, Mr. Johnson?

17 THE DEFENDANT: October the 2nd, 2002.

18 THE COURT: October 7th?

19 THE DEFENDANT: 2nd.

20 THE COURT: 2nd? All right.

21 MR. WILKINS: Excuse me.

22 THE DEFENDANT: In September.

23 MR. WILKINS: Do you mean out on supervision?

24 THE COURT: No. When was he released from custody  
25 such that he was placed on supervision?

1 MR. WILKINS: Right. That day was March 4th, 2003.

2 THE COURT: March 4th, 2003?

3 MR. WILKINS: Yes.

4 THE COURT: All right. And when was Mr. Johnson  
5 arrested and detained in connection with the --

6 MR. WILKINS: The violation?

7 THE COURT: -- criminal case? Well, the violation  
8 or the criminal case that --

9 MR. WILKINS: He was arrested on November the 15th,  
10 2003.

11 THE COURT: All right. So he has at this point  
12 served three and a --

13 MR. ARON: Thirty-six-and-a-half months.

14 THE COURT: All right. Thirty-six-and-a-half  
15 months. Okay.

16 MR. BHACHU: Yes, Judge.

17 THE COURT: Go ahead. Thank you.

18 MR. BHACHU: Judge, the other thing I'd note from  
19 the sentencing that took place in 1991 is after you heard the  
20 presentation of counsel and the defendant's presentation, you  
21 asked that his sentence of 15 years be served consecutive to  
22 the sentence that was going to be imposed subsequently in the  
23 Circuit Court of Cook County, which had not been imposed.

24 My understanding, having looked at the records, is  
25 that that never happened. I believe -- I'm not sure on this,

1 but I think he also got a similar sentence in terms of  
2 duration in Cook County, but it was run concurrent to the  
3 sentence that was imposed here.

4 I talked to my colleague, Mr. Schneider, and he  
5 seems to recall there might have been an additional  
6 proceeding subsequent to that -- I'm not quite familiar if  
7 there was -- to perhaps adjust Your Honor's recommendation.

8 But I think, for what it's worth, it certainly  
9 demonstrates, Judge, that you felt that a 15-year sentence  
10 was appropriate --

11 THE COURT: Right.

12 MR. BHACHU: -- and that was because the defendant  
13 had a massive, massive criminal history, over 40 arrests,  
14 multiple convictions for robbery, theft, armed robbery  
15 stretching back to 1967.

16 His criminal history category at the time you  
17 sentenced him in 1991 was category VI.

18 By virtue of the fact that he's been in prison for  
19 so long in relation to this case, the 90 CR 950 case, a lot  
20 of that criminal history no longer counts in terms of  
21 determining what his criminal history category is.

22 The point, though, is that, Judge, the defendant  
23 has previously asked Your Honor for leniency so he can show  
24 you that he's changed things, and this is the second time  
25 that he's asked you for leniency.

1           The first time he was before you, you clearly  
2       evinced, I think, a desire to sentence him to a term of  
3       incarceration that was quite large. In fact, you were not  
4       willing to actually recommend that the sentence in the state  
5       proceeding run concurrently to this sentence.

6           For those reasons, Judge, we'd ask that you impose  
7       a sentence of five years, which is also the sentence that the  
8       probation officer recommended when he presented this  
9       supervised release violation to Your Honor, and thereafter  
10      impose a term of supervision after incarceration on this  
11      defendant as well.

12           THE COURT: Mr. Wilkins, if I were to impose a  
13      sentence of five years on this violation of supervised  
14      release, what amount of supervised release could remain?

15           MR. WILKINS: He could be sentenced up to five  
16      years of supervised release.

17           THE COURT: All right. I will hear further  
18      comments from government counsel.

19           MR. BHACHU: Judge, I think that summarizes what I  
20      have to say.

21           Again, the defendant has a lengthy criminal  
22      history. He's previously asked for Your Honor's leniency  
23      insofar as he asked for it when he was sentenced initially  
24      and indicated that he would change.

25           The fact that he violated the terms of his

1 supervised release shortly after he was released from custody  
2 is suggestive of the fact that he is a recidivist. He is  
3 unable to actually conform his conduct to law. He has a  
4 massive criminal record and cannot be counted on to govern  
5 his activities consistent with his obligations under law.

6 THE COURT: All right. I will hear from defense  
7 counsel.

8 MR. ARON: Your Honor, first, it's interesting that  
9 the government pointed out Mr. Johnson's letter that he wrote  
10 to the Court back in the '90s.

11 Mr. Johnson and I did not discuss what he wrote  
12 today or what he brought before the Court, and he had no way  
13 of knowing the government was going to talk about that  
14 letter, yet he did.

15 THE COURT: Well, the government may not have  
16 actually known, government counsel may not have actually  
17 known that he himself, government counsel, was going to talk  
18 about the letter until Mr. Johnson did, so --

19 MR. ARON: Yeah.

20 THE COURT: But go ahead.

21 MR. ARON: Mr. Johnson has had -- you know, we've  
22 all changed in 15 years. In this case, it's 18 years now  
23 since that date. He's been in custody for 37 months, just  
24 about.

25 The government's dismissed the case, the underlying

1 case, with prejudice, and Mr. Johnson still, because he wants  
2 to do the right thing, admitted to the Court that yes, a gun  
3 was found in his house and he admitted to constructive  
4 possession.

5 He's been adamant through the entire case that gun  
6 was not his. However, he does understand that because it was  
7 in the premises that he resides in, it would be a violation  
8 of his supervised release.

9 He has a family support system, as is present in  
10 court today: his wife, who they have been trying to  
11 reconcile, and it's been difficult to do it with him in the  
12 MCC, but they have been communicating by phone and by her  
13 visits at the MCC; his daughter, who lives in the same  
14 building; his granddaughter; he has a sister. He has a  
15 support system.

16 At the time that he was arrested, he had been  
17 enrolled in the program where he was trying to become a  
18 social worker, and it would be the type of person with his  
19 background that if he does succeed in getting that social  
20 work degree or the necessary papers, he would be the kind of  
21 people that could -- person that could relate to the youths  
22 on the street and possibly talk them out of being in the  
23 position where they're going to be coming before you or some  
24 other judge in this building.

25 I believe that the 36-and-a-half months that Mr.

1 Johnson has spent in custody in this case, awaiting trial,  
2 awaiting motions more than is sufficient to repay his debt,  
3 and I would ask the Court to give him time served.

4 As to further supervised release, I don't believe  
5 that's necessary. I think that Mr. Johnson knows that his  
6 next arrest is going to be his last arrest; that if, in fact,  
7 he is convicted of any crime, the likelihood of him ever  
8 getting out of prison standing up will probably be slim and  
9 none.

10 I think the resources of the Probation Department  
11 could be better spent somewhere else, and I would ask the  
12 Court to sentence Mr. Johnson to a period of time served,  
13 actually having been served, and let him get on with his  
14 life.

15 THE COURT: All right. Mr. Johnson, is there  
16 anything further you want to say in connection with this?

17 THE DEFENDANT: No, sir, Your Honor.

18 THE COURT: I have a couple of questions.

19 The gun, what was it doing there?

20 THE DEFENDANT: I don't know.

21 THE COURT: What are you going to do to make sure  
22 this never happens again?

23 THE DEFENDANT: Ask questions.

24 MR. ARON: Such as?

25 THE DEFENDANT: I mean, my family knows now. You



1 know what I'm saying? I mean, at the time, they might not  
2 have understood the detriments of having a gun in the  
3 apartment. They might not have understood even if the gun  
4 didn't belong to me, by it being in the apartment, it, you  
5 know, it connects me to the gun. They might not have  
6 understood that.

7 But I think today, they do understand that, you  
8 know, you know, I, you know, I can't be around a gun, period,  
9 in no kind of way. In no form and no fashion, I cannot be  
10 around a gun, and I think they understand that better today  
11 than they did at that time.

12 THE COURT: And what about the drugs?

13 THE DEFENDANT: I don't know nothing about the  
14 drugs.

15 THE COURT: What are you doing to try to reconcile  
16 with your family?

17 THE DEFENDANT: Me and my wife trying to work some  
18 things out. Me and my wife is trying to get back together.  
19 She comes to see me. I talk to her on the phone. I'm just  
20 trying to get back together.

21 THE COURT: How are you going to be a good husband,  
22 a good provider, a good father?

23 THE DEFENDANT: Well, I have some people, I have  
24 some people on the outside that's willing to give me a  
25 chance, to give me a job, and just give me a chance to be a

1 counselor, what I want to do. I want to go back to school.

2 THE COURT: Mr. Johnson, you and I are a lot older  
3 men than we were in 1991 when I sentenced you on this 1990  
4 crime.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Since 1991, you have spent over 18  
7 years in prison.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Or close. Not 18 years, but the  
10 equivalent of a sentence of 18 years. The actual amount of  
11 time you spent in prison was --

12 THE DEFENDANT: Sixteen-and-a-half years.

13 THE COURT: -- sixteen years, yes. What could you  
14 have done with that 16 years of your life if you hadn't been  
15 in prison?

16 THE DEFENDANT: Well, at the state that I was in at  
17 the time that I got -- at the time that I was sentenced, I  
18 probably wouldn't have -- I probably wouldn't even been able  
19 to stand here and talk to you today, because I probably  
20 wouldn't -- you know, I probably would have been dead, at the  
21 rate that I was going, and I feel like you prevented that,  
22 you prevented that. Because at the time, I didn't have any  
23 direction. I didn't know what it was that I wanted to do. I  
24 didn't know who I was. I just didn't know. And then being  
25 incarcerated, it gave me a chance to find myself.

1 I found myself, and I found out what it was that I  
2 want to do with the rest of my life, and I -- and that's what  
3 I pursued when I was incarcerated. I found out by going to  
4 treatment that I enjoyed helping people. I didn't know that.  
5 I didn't know that I was going to like helping somebody  
6 because that was never my position. My position always was I  
7 be -- if I befriended you, I befriended you for the wrong  
8 reasons. I befriended you because I thought I could -- down  
9 the road somewhere, I might be able to use you, and that's  
10 how I was.

11 But in going through a drug treatment program, it  
12 just opened my eyes to a lot of other things. It opened my  
13 eyes to life, that life don't have to begin and end with me  
14 getting high. And I just wanted to change my life, and  
15 that's what I did.

16 THE COURT: Have you used any illegal drugs?

17 THE DEFENDANT: Oh, no. See, I -- it's one  
18 thing -- but they tell you in the program never say never,  
19 but it's one thing that I can say. I don't never use again  
20 in my life, 'cause the things that go along with using, I no  
21 longer desire it, I don't.

22 THE COURT: Does your family know you are telling  
23 the truth here?

24 THE DEFENDANT: They should. Yeah, they -- yeah,  
25 you know, they know that I, you know, that I don't use, and

1 I'm not going to use.

2 THE COURT: Could I ask --

3 MR. ARON: Judge, if you want to inquire --

4 THE COURT: -- Mrs. Johnson --

5 MR. ARON: -- of any of the family members, I have  
6 not prepped them, and --

7 THE COURT: I know, I understand.

8 MR. ARON: -- as far as I'm concerned --

9 THE COURT: I am going to ask Mrs. Johnson to step  
10 forward and also her daughter, too.

11 Good morning, Mrs. Johnson.

12 MRS. JOHNSON: Good morning.

13 THE COURT: I saw you sitting in the public area  
14 there. Could you state your name for the record for us.

15 MRS. JOHNSON: Justine Johnson.

16 THE COURT: And how do you spell your first name?

17 MRS. JOHNSON: J-u-s-t-i-n-e.

18 THE COURT: And your daughter is with you?

19 MRS. JOHNSON: Yes.

20 THE COURT: And let me ask you to state your name.

21 MS. WOODS: Ernestnae Woods.

22 THE COURT: Mrs. Johnson, you just heard Mr.  
23 Johnson.

24 MRS. JOHNSON: Yes.

25 THE COURT: Is he telling me the truth?

1 MRS. JOHNSON: Yes. Could I say something?

2 THE COURT: You certainly may.

3 MRS. JOHNSON: We've been married for 27 years. My  
4 husband have a good heart, he's a good person. If I didn't  
5 think he was no good, I wouldn't have waited all these years.

6 When he went to penitentiary them 18 years, I  
7 waited, because I know that he's a good man, he's a good  
8 husband, he's a good father. Regardless of what is happening  
9 and everything, I know in my heart, in his heart that he's a  
10 good man, and I believe in him. That's the most important  
11 thing to me, that I believe in my husband.

12 THE COURT: Ms. Woods, is there anything you want  
13 to say or add? You don't have to. Since I had you come up  
14 to the podium, I didn't want you to walk away feeling  
15 disappointed if you wanted to say something.

16 MS. WOODS: Something very brief.

17 For a lot of years, I was disappointed in my dad  
18 because of the life he chose to live, but during all that, in  
19 his addiction and being in the streets or whatever, like my  
20 mom said, he was a good provider and a great dad, but his way  
21 of thinking and the way he was doing things, it just -- I  
22 wasn't used to it.

23 And he used to always tell me, "Baby, it's going to  
24 get better, it's going to be all right," whatever, but when  
25 he tell me that, he always ended up in jail.

1           And just this last time when he did that 15 years  
2           and he came home, I was so excited. It's just overwhelming  
3           that he was home 'cause I knew things were going to get  
4           better for us.

5           I'm 38 years old, and just think 18 years of my  
6           life, he wasn't there.

7           So me and him talked. I don't go visit him as  
8           much, because I don't like to see him there, but we do talk  
9           on the phone periodically, and I try to hold back because I  
10          don't want him to get too comfortable and think like when he  
11          come home, everything going to be all bliss. No, we have to  
12          start over from scratch.

13          And listening to him today, make the accusations  
14          and the statements that he made, I'm overwhelmed that he has  
15          actually moved forward in his life, because for a long time,  
16          I just thought he was just stuck in that mode. And today he  
17          just enlightened me on things far as his plans and what he  
18          going to do, you know.

19          And I'm going to support him as much as I can. I  
20          feel like that's my role for him, being his daughter and he  
21          being in the situation that he's in. He's been gone for a  
22          long time, so times has totally changed. I live out in the  
23          world, so I just basically know that he have to adjust to the  
24          way of life for the millennium, 2006, and I'm willing to  
25          support him in that. That's it.

1 THE COURT: Thank you.

2 MS. WOODS: Okay. I can walk away?

3 THE COURT: I am sorry?

4 MS. WOODS: I can leave now?

5 THE COURT: You can walk away, yes. You can walk  
6 away. You can both walk away.

7 Anything further from counsel?

8 MR. BHACHU: No, Your Honor.

9 MR. ARON: No, Your Honor.

10 THE COURT: Mr. Johnson, as I said, I always let  
11 the person I am about to sentence have the last word.

12 Is there anything you want to say?

13 THE DEFENDANT: Not really, Your Honor.

14 THE COURT: Mr. Johnson, you are a very fortunate  
15 person. There is no question, at least from my brief  
16 encounter with your wife and your daughter, that they love  
17 you very much and that they have loved you really through  
18 thick and thin, and it's still there.

19 I think you ought to think about that every time  
20 you ever have the inkling you want to go back with your old  
21 friends, those other people you were involved with crime with  
22 those folks.

23 To have a woman like your wife stand up here and  
24 say, "I waited for him because he is a good man," you better  
25 make good on that.

1 THE DEFENDANT: Yes, sir.

2 THE COURT: When I sentenced you back in '91 and  
3 you made those remarks that have been commented on here  
4 today, I actually did not believe you.

5 I believe you today, and, therefore, Mr. Johnson,  
6 your life of crime is over.

7 THE DEFENDANT: Yes, sir.

8 THE COURT: I am going to make your life of paying  
9 for your crime over unless you decide in your mind you are  
10 going to commit another crime, and then some other judge  
11 somewhere else is going to say, "Mr. Johnson, Judge Holderman  
12 gave you that break, and you never saw the benefit of that,  
13 so your life in society will be over," and you will be  
14 incarcerated for an even longer time, probably, than you have  
15 been thus far in your life.

16 Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Now, you have just spent 16 of some of  
19 the best years of your life in prison, and you have to do  
20 what you can for the remaining years of your life to make up  
21 for that, for yourself and for the people who love you.

22 I am going to sentence you to time served on this  
23 violation. I am not going to impose any further supervised  
24 release.

25 Your life of crime is over today. You will be



1 released from the MCC. Well, you will have to go back to the  
2 MCC. You will be released from the MCC.

3 I am decreeing your life of crime is over today,  
4 but only you can make good on that decree.

5 Do you understand?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: That is your obligation for the rest of  
8 your life, to be a law-abiding citizen.

9 Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Live it, all right?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. That will be the sentence  
14 of the Court.

15 MR. ARON: Thank you, Your Honor.

16 MR. WILKINS: Your Honor --

17 THE COURT: Mr. Wilkins?

18 MR. WILKINS: Yes. I'm assuming violations numbers  
19 2 and 3 are dismissed?

20 THE COURT: Violations numbers 2 and 3 are  
21 dismissed?

22 MR. BHACHU: Yes, Judge.

23 THE COURT: All right.

24 MR. ARON: No objection.

25 THE COURT: Thank you, Mr. Wilkins.

1 MR. BHACHU: Thank you, Your Honor.

2 THE COURT: Thank you.

3 Mrs. Johnson and Ms. Woods, thank you very much.

4 MRS. JOHNSON: Thank you.

5 MS. WOODS: Thank you, Judge.

6 THE COURT: All right. We will take a short

7 recess.

8 (Proceedings concluded.)

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C E R T I F I C A T E

I, Colleen M. Conway, do hereby certify that  
the foregoing is a complete, true, and accurate transcript of  
the proceedings had in the above-entitled case before the  
Honorable JAMES F. HOLDERMAN, Chief Judge of said Court, at  
Chicago, Illinois, on December 6, 2006.

  
\_\_\_\_\_  
Official Court Reporter  
United States District Court  
Northern District of Illinois  
Eastern Division

1/31/08  
Date

1. NAME (LAST - FIRST - MIDDLE) JOHNSON, WILLIE		8. DIST./RES. 010		9. HEIGHT 509		10. WEIGHT 209		11. HAIR BLK		12. HAIR STYLE SHORT B	
5. C.B. NO. 156-46228		17. DISTING. MARKS, SCARS, DISABILITIES, ETC. BASEMENT TAT CHEST RGT ARM		18. SOCIAL SECURITY NO. 334-43-8351							
15. I.R. NO. 96539/1607248		16. RESIDENCE ADDRESS 1806 So. HARDING		17. APT. NO./FLOOR BASEMENT		19. Y.D. NO.		20. STATE/PLACE OF BIRTH IL		21. DRIVERS LICENSE NO. J525-8804-8368	
22. RD. NO. HJ-668241		23. OCCUPATION UNK		24. BUSINESS NAME - ADDRESS		CITY - STATE IL		ZIP CODE		BUSINESS TELEPHONE	
25. ADDRESS OF ARREST 1806 So. HARDING		26. NO. ARRESTED 1		27. LOCATION CODE FOR NATURE OF PREMISES 330		28. BEAT OF ARREST 1014		29. DATE OF ARREST 15 NOV 03		30. ARRESTEE TRANSPORTED TO UNIT BY BEAT 0825 002 6177A 0830	
31. RESTRICTED ARREST YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		32. WEAPON PISTOL - REVOLVER <input checked="" type="checkbox"/> RIFLE SHOT-GUN <input type="checkbox"/> KNIFE <input type="checkbox"/> OTHER (SPECIFY) <input type="checkbox"/>		33. PROPERTY INVENTORY NO(S) 10210371, 83, 85 10210374, 77, 81		34. FOR NARCOTIC ARREST <input type="checkbox"/> SUSPECT CANNABIS <input checked="" type="checkbox"/> SUSPECT CONTROLLED SUBSTANCE		APPRX. WT/ EST. STREET VALUE NO. PILLS 6.0GRAMS 672.00			
35. VEHICLE OF ARRESTEE DNA		36. PERSON IN INVESTIGATIVE UNIT NOTIFIED UNIT NOTIFIED TIME		37. DOES ARRESTEE HAVE UNATTENDED DEPENDENT CHILDREN AT HOME <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		38. NAME OF A.S.A./FEL. REV. Moran		CHARGES APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		TIME 0943	
39. VICTIM - COMPLAINT NAME P.O. ROBERT GARZA #7871		SEX RACE AGE		VICTIM HOSPITALIZED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> TREATED & RELEASED		FILED					
40. REFERENCES (CH. - PAR.) 720ILCS5/24-1.1(a) UUW FELON 720ILCS570/402 P.C.S.		41. OFFENSES		42. DISPOSITIONS		43. REFERENCES (CH. - PAR.) 5 6 7 8		44. OFFENSES NOV 1 2003 DOROTHY BROWN CLERK OF CIRCUIT COURT		45. DISPOSITIONS	

3. NARRATIVE (The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following:)

THIS IS A FOLLOW UP ARREST MADE BY THE P.S.N. GUN TASK FORCE.

HISTORY: ABOVE PLACED IN CUSTODY ON TODAY'S DATE IN THAT ON 02 OCT 03 R/Os EXECUTED A SEARCH WARRANT AT 1806 So. HARDING WITH THE TARGET BEING WILLIE JOHNSON IR#96539. R/Os RECOVERED A 38 SPECIAL REVOLVER LOADED WITH 5 LIVE ROUNDS AND AN ADDITIONAL 5 LIVE ROUNDS INSIDE A GUN HOLSTER. ALSO RECOVERED WERE (1) PLASTIC BAG CONTAINING SUSPECT CRACK COCAINE AND (1) PLASTIC BAG CONTAINING SUSPECT COCAINE, PROOF OF RESIDENCY, AND \$720.00 USC SUSPECT NARCOTIC PROCEEDS. ABOVE READ MIRANDA PER PRE PRINTED CARD BY P.O. GARZA#7871 IN THE 002ND DISTRICT AT WHICH TIME HE RELATED THAT HE BOUGHT THE GUN FROM A GUY ON THE STREET ON THE 1500 BLOCK OF So. KEDZIE. MIRANDA READ AT 0910 HRS. THE ABOVE ARRESTED HAS PREVIOUSLY CONVICTED OF A FELONY UNDER THE LAW OF ILLINOIS UNDER 90CR057001 FOR ARMED ROBBERY. ABOVE ALSO RELATED THAT HE BOUGHT THE DRUGS FROM THE WEST SIDE.

ALSO ARRESTING HARRIS 9930 TEAM 6177, 6178

HAS ID

hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

ARRESTING OFFICER'S SIGNATURE Robert Garza		STAR NO. #7871		UNIT 007		DEPUTY CLERK'S SIGNATURE D. Brown		STAR/EMPL NO. 2812	
FIRST ARRESTING/APPEARING OFFICER - PRINT NAME GARZA, ROBERT		BEAT NO. 6177B		FURLO. DNA		D.O. GRP. S/M		MISD./ORD. CRT. KEY J	
45. SECOND ARRESTING OFFICER - PRINT NAME - STAR NO. UNIT MITCHELL, V 15580, HARRIS, T#9930M		46. VEHICLE ASSIGNED ONE TWO 3		47. P.D. OTHER		48. RESULTS OF FINGERPR. CHECK WAIVED BY-SIG. - STAR DATE TIME		49. APPROVAL OF CHARGES - SIG. - STAR DATE TIME	
50. INITIAL APPROVAL OF PROBABLE CAUSE - SIG. - STAR		51. DATE RECEIVED - LOCKUP 15 NOV 03		52. PERS. PROPERTY RECEIPT NO. PB		53. TELEPHONE NO. CALLED 2778129		54. C.B. NO. 156-46228	
55. TIME FINGERPRINTED 1140		56. TIME PHOTOGRAPHED 1145		57. TIME FED		58. PLACED IN CELL NO. 3/3			

59. ARRESTED SEARCHED BY ALSTON		STAR/EMPL NO. UNIT 8 15 NOV 03		60. COURT SGT. TO HANDLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		61. INITIAL COURT DATE 16 Nov 03		62. FINAL CRT. DATE		BRANCH - CALL	
63. BOOKING OFFICER BRYANT		STAR/EMPL NO. UNIT 13183 2		64. BOND RECEIPT NO.		65. COURT DOCKET NO.		66. FINAL JUDGE'S NAME			

EXHIBIT 2

3150438

COURT COPY